

butter which was misbranded. The article was labeled in part: "Swift's Premium Quality Brookfield Butter * * * 1 lb. net weight * * * Swift & Company * * * Chicago."

The article was alleged to be misbranded in that the statement, "1 Lb. Net Weight", borne on the labels, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On December 3, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$900.

W. R. GREGG, *Acting Secretary of Agriculture.*

25229. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fines, \$300 on each of three counts. Fines suspended on all counts but first. (F. & D. no. 34067. Sample nos. 73386-A, 73387-A.)

This case was based on a shipment of butter which was short in weight.

On July 22, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 11, 1934, from the State of Washington to Alaska, of quantities of butter which was misbranded. The article was labeled in part: "1 Lb. Net Weight Swift's Premium Quality Brookfield Butter * * * Swift & Company Chicago, U. S. A."

The article was alleged to be misbranded in that the statement, "1 lb. Net Weight", borne on the labels, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of packages contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 30, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$300 on each count of the information. Payment of fines was suspended for 5 years on all counts but the first.

W. R. GREGG, *Acting Secretary of Agriculture.*

25230. Adulteration of dressed chickens. U. S. v. 6 Barrels of Dressed Chickens. Default decree of condemnation and destruction. (F. & D. no. 35763. Sample no. 33550-B.)

This case involved a shipment of dressed chickens, samples of which were found to be decomposed.

On July 15, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 7, 1935, by M. J. Goodrich, from Strawberry Point, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25231. Adulteration of canned tuna. U. S. v. 100 Cases of Canned Tuna. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 35774. Sample no. 15537-B.)

This case involved a shipment of canned tuna which was in part decomposed.

On or about August 6, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned tuna at Albany, N. Y., alleging that the article had been shipped in

interstate commerce on or about July 1, 1935, by the French Sardine Co., Inc., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Belle Isle Fancy Solid Pack Tuna * * * Packed * * * by French Sardine Co., Inc. Terminal Island California."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 10, 1935, the French Sardine Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25232. Adulteration of huckleberries. U. S. v. 23 Crates, et al., of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 36288. Sample no. 23769-B.)

This case involved a shipment of huckleberries which contained excessive numbers of maggots.

On August 16, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 crates of huckleberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about August 14, 1935, by Walter W. Bliss, from Peckville, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25233. Misbranding of potatoes. U. S. v. Louis Markman. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. no. 32141. Sample no. 39025-A.)

This case was based on an interstate shipment of potatoes which were short weight.

On July 10, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Markman, Des Moines, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 25, 1933, from Lockport, La., through Kansas City, Mo., into the State of Iowa and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Unclassified Selected Potatoes 100 pounds When Packed Markman Produce Co. Des Moines, Iowa."

The article was alleged to be misbranded in that the statement on the label, "100 Pounds When Packed", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the sacks did not each contain 100 pounds of the article but did contain a lesser amount.

On November 27, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of \$10 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25234. Adulteration and misbranding of preserves. U. S. v. National Kream Co., Inc. Plea of guilty. Fine, \$25 on each of seven counts (\$175). Fine of \$200 on each of remaining five counts suspended. (F. & D. nos. 31452, 34014. Sample nos. 9341-A, 9344-A, 52208-A, 52209-A, 52212-A, 52342-A, 52344-A, 52347-A, 66969-A, 66970-A, 66971-A, 67128-A, 67131-A.)

This case was based on shipments of various preserves which contained less fruit and more sugar than preserves should contain, the inferiority of the products being concealed by added pectin and tartaric acid.

On June 7, 1935, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court an information against the National Kream Co., Inc., of Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, in part under its own name and in part under the name of and through the agency of its subsidiary, the Avondale Preserve Co., Inc., on or about June 15, 1932, from the State of New York into the State of Rhode Island, on or about October 31 and December 26, 1933, and February 23, 1934, from the State of New York